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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/540,239
Filing Date: March 31, 2000
Appellant(s): DEDRICK ET AL.

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Steven D. Yates
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/2/05 appealing from the Office action

mailed 2/24/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Schmidt et al. (US patent 5,991,807)

Misra et al. (US patent 6,189,146)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-26 and 29-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Schmidt et al. (US patent 5,991,807) in view of Misra et al. (US

patent 6,189,146)

Schmidt et al. shows all of the limitations of the claims except for specifying

selecting goods and the use of a "public key".

Schmidt et al. shows, figures 1 and 6, a system for controlling users access to a

distributive network. A local access network or LAN 10 includes a plurality of

workstation PCS 12 (connecting from client), a network server 14 such as, by way of

example a Novell server, and a distributive network access interface or box 16 such as,

by way of example an Instant Internet access system. The network access interface

box 16 permits each PC on the LAN to connect to a distributive network 18, such as, by

way of example the Internet. In the preferred embodiment of the invention, the software

for managing the administration system is installed in the server 14 (distribution server).

This stores the information defining each individual user and the groups available for

user assignment. The group constraints (access privileges constrained according to

client identifier) may be customized on site and on demand, with users (user-client)

being capable of being assigned to any of one or more groups at any time by the

authorized administrator (manager-client). All of this information is stored and

manipulated at the server location (stored on the online distribution server), minimizing

the use of access box memory capacity.   As shown by the information flow arrows in

FIG. 1, a typical user "logs on" to the network 10 in the well known manner by entering

his I.D. (client identifier) or password to the server 14 from any one of the plurality of

PCS 12 on the LAN network, as indicated by the arrow 19. The server 14 then grants

LAN access by properly identifying and authenticating the user, as indicated by the

double arrow 20. The server also identifies what group the user is assigned to, as

indicated by the arrow 21. An administrator can specify levels of access to the network

for each group or user by controlling the specific IP Addresses and Port Numbers

(received list of services) for each user and/or user group. This is done by activating

the screen depicted in FIG. 6, by clicking on the "Internet Access" box 86 of FIG. 4.

Figure 6 shows the steps of adding selected IP addresses (services) to screen list 70

(shopping cart). Still in figure 6, the example shows the modification of assigning

access restrictions for the "ADMIN" group (example of a distribution package). The

creation of a group based on need is an inherent feature.

Misra et al. teaches a system and method for software licensing where "the

license generator digitally signs the license pack and encrypts it with the license

server's public key in order to provide a secure transfer of information between the

generator and the server.

Based on the teaching of Misra et al., it would have been obvious to one of

ordinary skill in the art, at the time the invention was made, to modify Schmidt et al.

system such that the administrator's access privileges lists are signed with a public key

of the server 14 in order to provide a secure transfer of information between the

administrator and the server.

The Schmidt et al. reference selects web site services. The specifying of individual items or goods available on the selected web site services is just an obvious next more detailed step provided in order to allow access to sites with some desirable parts and some undesirable parts. For example, with the Schmidt et al. invention, an employer may not allow access to magazines on the Internet. If given enough interest, it would be obvious further to allow access to business weekly magazine (a specific good), but not a pornographic magazine.   As far as the limitation of being available electronically or available through physical shipping, the Internet access described in Schmidt covers these options.

Based on the above discussion, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Schmidt et al. system such that access to specific goods on the Internet could be selected in order to allow access to sites with some desirable parts and some undesirable parts.

(10) Response to Argument

Claim 1 has been mapped out on the following page.

Claim 1	**Claim Map for 09/540,239**
A method of using an electronic shopping cart to facilitate defining a distribution package, comprising:	
connecting to an online distribution server;	See figure 1 of Schmidt et al. LAN server 14 (distribution server) has access to Distributive network 18, "by way of example the Internet" (column 5, line 46).
receiving a list of goods available for electronic and/or physical distribution to a client;	Internet access allows for receiving lists of goods available and the Internet sites or IP addresses that provide them
selecting goods from the list;	Figure 6 shows a list of selected IP addresses. The obvious step is selecting goods from the addresses.
adding said selected goods to an electronic shopping cart;	Figure 6 shows the ability to add, delete, and change the items in screen list 70 (shopping cart).
requesting creation of a distribution package according to contents of electronic shopping cart; and	Still in figure 6, the example shows the modification of assigning access restrictions for the "ADMIN" group (example of a distribution package).
assigning access restrictions for the distribution package, said restrictions controlling access by the client to the distribution package.	The group constraints (access privileges constrained according to client identifier) may be customized on site and on demand. Column 5, lines 49-50

Argument number 1 basically hinges on if screen 70 can be considered an "electronic shopping cart". Appellant has not defined an "electronic shopping cart" in the specification. Appellant's summary of the invention and the beginning of this argument on page 6 states that the claimed shopping cart is conventional. Appellant is not his own lexicographer. The examiner asserts that there are no set criteria for what a "conventional electronic shopping cart" is. If appellant actually claimed this it would be indefinite. There are no diagrams or description as to what the limitation of this claimed element is. Screen 70 has an electronic list of IP address, which can be linked to a good that can be purchased through an obvious step. There are no limitations set forth that would prohibit screen 70 from meeting the metes and bounds of the "electronic shopping cart". The examiner has read this term in light of the specification in that screen 70 performs the same functions as the recited "electronic shopping cart". The examiner has not read limitation, which don't exist, into the term "electronic shopping cart" because that would be improper.

Argument number 2 asserts that the examiner has failed to address the server distributes "packages" identifying selected ones of electronic and physical goods and updates. These are the same distribution packages as in claim 1.

Argument number 3 asserts no motivation to modify Schmidt and that hindsight was used. See column 2, lines 30-36, the examiner believes that the same problem is being solved.

"The subject invention is directed to a method for easily controlling access to a distributive network by an individual user or groups of users both with respect to site address and services to be accessed and to the time periods when access is authorized from within the already established user management database originally established to control the original purpose of the LAN."

Note from appellant's page 3,

"Although virtual storefronts greatly facilitate transactions by allowing arbitrarily complex (or simple) virtual storefronts, these virtual stores lack an ability to impose structure and coordinate the sales process. That is, frequently businesses want certain classes of employees to purchase particular collections of products (packages), or purchase from only certain types of products. For example, technical support 10 personnel may be required to obtain certain high-end software and hardware, while recently hired employees may be restricted in their purchase ability. Also, employers may desire to control the registration and installation of purchased goods."

Arguments 4 and 5 have no merit if the first three arguments fall.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Cuff

Michael Cuff 5/15/06

Conferees:

Alexander Kalinowski

Hyung Sough